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9 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
INTERNATIONAL
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, a California not-)
for-profit religious corporation,)

15)
16)
17 Plaintiff,)

18 vs.)

19)
20 GERALD ARMSTRONG; DOES 1 through)
25, inclusive,)

21)
22 Defendants.)
23)
24)
25)
26)
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28)

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OCT 30 1995

HUB LAW OFFICES

CASE NO. BC 157680

SEPARATE STATEMENT OF
UNDISPUTED FACTS IN SUPPORT
OF PLAINTIFF'S MOTION FOR
SUMMARY ADJUDICATION OF THE
FIRST CAUSE OF ACTION OF
ARMSTRONG'S FIRST AMENDED
CROSS-COMPLAINT

DATE: December 1, 1995

TIME: 9:00 a.m.

DEPT: 1

TRIAL DATE: Vacated

1 Church of Scientology International ("the Church") submits
2 this statement of undisputed material facts in support of the
3 Church's Motion for Summary Adjudication of the first cause of
4 action of defendant Armstrong's Verified Amended Cross-complaint.

5 ISSUE: The Church is entitled to summary adjudication of the
6 First Cause of Action because all of the issues
7 presented by this request for declaratory relief have
8 already been resolved against Armstrong and in the
9 Church's favor.

10
11 UNDISPUTED FACT

12 1. In the First Cause of
13 Action, Armstrong seeks the
14 following relief:

15 [A] judicial
16 determination of his
17 rights and duties,
18 and a declaration
19 that the only
20 provisions of the
21 settlement agreement
22 which are valid are
23 those which directly
24 pertain to the
25 dismissal of his
26 cross-complaint in
27 Armstrong I in
28 consideration for
the payment of a sum
of money, and that
paragraphs 4A, 4B,
7D, 7G, 7H, 7I, 10,
18D, 18E of the
settlement agreement
should be severed
and held not to be
legally enforceable
because they were
designed to suppress
evidence and

EVIDENTIARY SUPPORT

1. Request for Judicial
Notice, Exhibit G, Verified
Amended Cross-complaint
(hereinafter "Cross-
complaint"), p. 29, ¶ 61.

1 obstruct justice.

2
3 2. The orders of this Court
4 granting summary judgment,
5 including the Order of
6 Permanent Injunction, are
7 orders enforcing paragraphs
8 7D, 7E, 7G, 7H, 7I, 10, 18D
9 and 18E of the "Mutual Release
10 of All Claims and Settlement
11 Agreement" of December, 1986.

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3. Paragraphs 4A and 4B
concern an appeal which has
already become final, and as
to which no rights, duties or
obligations could be enforced

2. Exhibit A to Exhibit A to
Request for Judicial Notice,
Verified Second Amended
Complaint, Mutual Release of
all Claims and Settlement
Agreement, ¶¶ 7D, 7E, 7G, 7H,
7I, 10, 18D, and 18E; Request
for Judicial Notice, Exhibit
C, Order Granting Summary
Adjudication of the Fourth and
Sixth Causes of Action;
Request for Judicial Notice,
Exhibit D, Order Granting
Summary Judgment of the
Thirteenth, Sixteenth,
Seventeenth, and Nineteenth
Causes of Action;
Request for Judicial Notice,
Exhibit E, Order of Permanent
Injunction.

3. Exhibit A to Exhibit A to
Request for Judicial Notice,
Verified Second Amended
Complaint, Mutual Release of
all Claims and Settlement

1 in the future.

2 Agreement, ¶¶ 4A and 4B;
3 Request for Judicial Notice,
4 Exhibit J, Portions of the
5 Opinion of the Court of
6 Appeal, Second Appellate
7 District, in the case of
8 Church of Scientology of
9 California v. Armstrong, Case
10 No. B069450.

11 Dated: October 26, 1995

12 Respectfully submitted,
13 Andrew H. Wilson
14 WILSON, RYAN & CAMPILONGO
15 MOXON & BARTILSON

16 By: LSJ
17 Laurie J. Bartilson
18 Attorneys for Plaintiff
19 CHURCH OF SCIENTOLOGY
20 INTERNATIONAL
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On October 26, 1995 I served the foregoing document described as SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFF'S MOTION FOR (1) SUMMARY ADJUDICATION OF THE FIRST CAUSE OF ACTION OF ARMSTRONG'S FIRST AMENDED CROSS-COMPLAINT; (2) SEVERANCE; (3) DISMISSAL OF UNADJUDICATED CLAIMS; AND (4) ENTRY OF FINAL JUDGMENT on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed, certified mail, as follows:

Ford Greene
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 9493

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party

served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on October 26, 1995 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such -- envelopes by hand to the offices of the addressees.

Executed on October 18, 1995, at San Rafael, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

 Matt Ward
Print or Type Name

 Matt Ward
Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)